

the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) Waiver of certification requirements

(1) In general

The Secretary may grant a waiver of the certification requirement of subsection (c) of this section with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) Renewal

The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) Supplement not supplant

Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) Maintenance of effort

A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) Matching requirement

The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$25,000,000 for each of the fiscal years 2000 through 2004.

(Pub. L. 106-174, § 6, Feb. 25, 2000, 114 Stat. 19.)

CHAPTER 143—INTERCOUNTRY ADOPTIONS

Sec.

- 14901. Findings and purposes.
 - (a) Findings.
 - (b) Purposes.

- 14902. Definitions.

SUBCHAPTER I—UNITED STATES CENTRAL AUTHORITY

- 14911. Designation of central authority.
 - (a) In general.
 - (b) Performance of central authority functions.
 - (c) Authority to issue regulations.
- 14912. Responsibilities of the Secretary of State.
 - (a) Liaison responsibilities.
 - (b) Information exchange.
 - (c) Accreditation and approval responsibilities.
 - (d) Additional responsibilities.
 - (e) Establishment of registry.
 - (f) Methods of performing responsibilities.
- 14913. Responsibilities of the Attorney General.
- 14914. Annual report on intercountry adoptions.
 - (a) Reports required.
 - (b) Report elements.

Sec.

SUBCHAPTER II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

- 14921. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
 - (a) In general.
 - (b) Exceptions.
- 14922. Process for accreditation and approval; role of accrediting entities.
 - (a) Designation of accrediting entities.
 - (b) Duties of accrediting entities.
 - (c) Remedies for adverse action by accrediting entity.
 - (d) Fees.
- 14923. Standards and procedures for providing accreditation or approval.
 - (a) In general.
 - (b) Minimum requirements.
 - (c) Temporary registration of community based agencies.
- 14924. Secretarial oversight of accreditation and approval.
 - (a) Oversight of accrediting entities.
 - (b) Suspension or cancellation of accreditation or approval.
 - (c) Debarment.
 - (d) Judicial review.
 - (e) Failure to ensure a full and complete home study.

SUBCHAPTER III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

- 14931. Adoptions of children immigrating to the United States.
 - (a) Legal effect of certificates issued by the Secretary of State.
 - (b) Legal effect of Convention adoption finalized in another Convention country.
 - (c) Condition on finalization of Convention adoption by State court.
- 14932. Adoptions of children emigrating from the United States.
 - (a) Duties of accredited agency or approved person.
 - (b) Conditions on State court orders.
 - (c) Duties of the Secretary of State.
 - (d) Filing with registry regarding non-Convention adoptions.

SUBCHAPTER IV—ADMINISTRATION AND ENFORCEMENT

- 14941. Access to Convention records.
 - (a) Preservation of Convention records.
 - (b) Access to Convention records.
 - (c) Access to non-Convention records.
- 14942. Documents of other Convention countries.
- 14943. Authorization of appropriations; collection of fees.
 - (a) Authorization of appropriations.
 - (b) Assessment of fees.
 - (c) Restriction.
- 14944. Enforcement.
 - (a) Civil penalties.
 - (b) Civil enforcement.
 - (c) Criminal penalties.

SUBCHAPTER V—GENERAL PROVISIONS

- 14951. Recognition of Convention adoptions.
- 14952. Special rules for certain cases.
 - (a) Authority to establish alternative procedures for adoption of children by relatives.
 - (b) Waiver authority.
- 14953. Relationship to other laws.
 - (a) Preemption of inconsistent State law.
 - (b) Applicability of the Indian Child Welfare Act.

Sec.

(c) Relationship to other laws.

14954. No private right of action.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 8 section 1154.

§ 14901. Findings and purposes

(a) Findings

Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993); and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) Purposes

The purposes of this chapter are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

(Pub. L. 106-279, § 2, Oct. 6, 2000, 114 Stat. 825.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 106-279, Oct. 6, 2000, 114 Stat. 825, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATES; TRANSITION RULE

Pub. L. 106-279, title V, § 505, Oct. 6, 2000, 114 Stat. 844, provided that:

“(a) EFFECTIVE DATES.—

“(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) [enacting this section and sections 14902, 14911 to 14913, 14922 to 14924, 14941(a), 14943, and 14953 of this title and amending section 622 of this title] shall take effect on the date of the enactment of this Act [Oct. 6, 2000].

“(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) [enacting sections 14914, 14921, 14931, 14932, 14941(b), (c), 14942, 14944, 14951, 14952, and 14954 of this title, amending sections 1101 and 1154 of Title 8, Aliens and Nationality, and enacting provisions set out as notes under this section] shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

“(b) TRANSITION RULE.—The Convention and this Act [see Short Title note below] shall not apply—

“(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed

before the effective date described in subsection (a)(2); or

“(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).”

SHORT TITLE

Pub. L. 106-279, § 1(a), Oct. 6, 2000, 114 Stat. 825, provided that: “This Act [enacting this chapter and amending section 622 of this title and sections 1101 and 1154 of Title 8, Aliens and Nationality] may be cited as the ‘Intercountry Adoption Act of 2000’.”

§ 14902. Definitions

As used in this chapter:

(1) Accredited agency

The term “accredited agency” means an agency accredited under subchapter II of this chapter to provide adoption services in the United States in cases subject to the Convention.

(2) Accrediting entity

The term “accrediting entity” means an entity designated under section 14922(a) of this title to accredit agencies and approve persons under subchapter II of this chapter.

(3) Adoption service

The term “adoption service” means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term “providing”, with respect to an adoption service, includes facilitating the provision of the service.

(4) Agency

The term “agency” means any person other than an individual.

(5) Approved person

The term “approved person” means a person approved under subchapter II of this chapter to provide adoption services in the United States in cases subject to the Convention.

(6) Attorney General

Except as used in section 14944 of this title, the term “Attorney General” means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) Central authority

The term “central authority” means the entity designated as such by any Convention country under Article 6(1) of the Convention.